

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES E. COLEMAN,

Petitioner,

Case No. 2:18-cv-10805
Hon. Sean F. Cox

v.

J.A. TERRIS,

Respondent.

**ORDER DIRECTING RESPONDENT TO PRODUCE DOCUMENTS AND FOR
ADDITIONAL BRIEFING**

Federal prisoner James E. Coleman ("Petitioner"), confined at the Federal Correctional Institution in Milan, Michigan, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In 2007, Petitioner pled guilty to two counts of delivery of a controlled substance resulting in death. 21 U.S.C. § 841(a)(1). Petitioner claimed in his habeas petition that in light of *Burrage v. United States*, 571 U.S. 204 (2014), he should not have been subject to the 20-year mandatory minimum sentence under 21 U.S.C. § 841(b)(1)(C) because the government did not prove beyond a reasonable that the controlled substances provided by Petitioner to the decedents was a "but-for" cause of their death. Petitioner also moved for Respondent to produce the toxicology and autopsy reports of the decedents in an effort to obtain factual support for his claim. Respondent filed an answer opposing the petition. The Court denied the petition without ordering the discovery because Petitioner admitted during the plea hearing that the decedents "died from" drugs provided by him.

Petitioner appealed, and the Sixth Circuit reversed. The Court found that it was an abuse of discretion not to order the discovery because Petitioner was not with the decedents when they

died and could not have known whether they died from the drugs. *Coleman v. Terris*, No. 19-1886, *4 (6th Cir. April 24, 2020). The Court remanded the case “for the district court to grant Coleman’s motion to compel discovery and for further proceedings consistent with this Order.” *Id.*

Accordingly,

IT IS HEREBY ORDERED that Respondent shall produce the toxicology and autopsy reports for the decedents in Petitioner’s underlying criminal case within 60 days of the date of this order. Respondent shall provide copies of the reports to Petitioner.

IT IS FURTHER ORDERED that within 30 days after production of the reports, Petitioner shall file a supplemental brief.

IT IS FURTHER ORDERED that within 30 days after the filing of Petitioner’s supplemental brief, Respondent shall file a responsive pleading.

IT IS FURTHER ORDERED that within 14 days after the filing of the responsive pleading Petitioner may file a reply brief.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: June 19, 2020